The form which the process of dispute settlement takes differs from one society to another. In certain societies disputes are settled through a process of informal mediation undertaken by go-betweens; in others it is by means of self-help; still in others, it is by way of court. In societies with courts the process of dispute settlements is undertaken by judges who "take and assess the evidence, examine what they regard as the facts, and come to a decision in favor of one party rather than another" (Gluckman 1965:183).

Within a given society, disputes are settled in accordance with a set of principles that reflect the basic goals and values of that society. As long as the settlement of a particular dispute proceeds according to these principles, the settlement is supported by the public opinion of that society. This is true whether the process is carried on b y means of informal mediations or through a court system. It is this public opinion as the expression of the basic societal values and not the court as a special mechanism that gives legitimation to the judicial decisions. To equate opinion with the court as Hoebel (1961) did, or to look at the court as the ultimate source of legitimation as did Radcliffe-Brown (1940) and others (Redfield 1964, Bohannan 1965), is to create an unnecessary confusion which tends to undermine meaningful cross-cultural comparisons. Whatever the differences among anthropologists with regard to the definition of the court, their main interest in the concept so far has been as a tool for the definition of law. The interest in the concept gave rise to a methodological approach which came to characterize the literature in legal anthropology, namely, the case-study approach, cases having been utilized in a number of ways by legal anthropologists. In their book on the Cheyenne, Llewellyn and Hoebel (1941) introduced the analysis of "the trouble case." This was followed by a number of studies utilizing the case study method either to

document statements concerning the substantive law of the society studied, or to abstract and elucidate that law. An example of the first technique is Howell's analysis of the Nuer court decisions (1954) where he collected a large number of court cases, cla-sified them and abstracted the substantive aspect of the native law. Gluckman's study of the Lozi (1955) represents the second technique. Smith and Roberts used the same method of case analysis to abstract certain principles of the Zuni law (1954), and Nader utilized it in her study of the Zapotecan law (1964). The list of those who utilized the case-study approach is quite extensive, and the range of the societies they studied is quite varied. But most of them share the interest in the substantive rather than in the procedural aspect of the law.

When referring to the procedural aspect of the law one should keep in mind the difference between the technical and the abstract components of procedural law. The first refers to the activities and steps involved in the settlement of disputes in the society as well as the person or body undertaking the responsibility of such settlement. The second involves a number of abstract principles reflecting the values of the society with regard to the goals of the judicial process, and which the judicial persons use as a guide in achieving a settlement or in passing a judgment of one kind or another. These are the bases of judicial reasoning. Although judicial reasoning represents one of the most interesting and important aspects of the judicial process, it attracted very little attention among legal anthropologists. With the exception of Gluckman and his analysis of the concept of "reasonable man" among the Lozi (1955a), no significant work has been done in this area. In dealing with the concept of the reasonable man, Gluckman was more interested in discovering universals in laws than in the process of judicial reasoning as such. He implied that an

2: Mohsen E.O-5 (1958-1966) 1971 MT9 Libyan Bedouin MT9
Awlad Ali

I managed, however, during my stay to be closely in touch with one 12
of the major cases and with almost all the parties involved. This case
was used as the basis for the "social drama" analyzed in chapter three
of the present study.

In addition to the social drama, I have used the case study method 121
to analyze aspects of the substantive law of the group especially with 127
regard to concepts such as that of criminal responsibility and the nature
of the contractual relations as exemplified by the marriage contract.
Cases utilized in the study include ones that I observed myself as well [124]
as cases taken from texts and some which were told to me by informants.

Most of the data was collected through the time-honored technique 123
of participant observation which was facilitated by the fact that the 122
group spoke the native language of the researcher (or vice versa). Formal 124
interviewing was conducted on a very limited scale, thirty-five extensive 125
questionnaires in all. These questionnaires were originally designed and
administered to supplement the life history material and to assess the
attitudes of the particular people involved with regard to particular
issues. Some of the results of these questionnaires are used in the
chapter. Due to the non-representation of the sample interviewed, these
results are used merely as illustration and not as representing any kind
of statistical frequency.

ENTRY TO THE FIELD

It is common among anthropologists to talk with nostalgia about their 114
field experience and about the group they studied. This usually gives the
impression that field work is always an enjoyable experience. Although my
field work seems at the present time to have been a pleasant experience,
especially when comparing it to the pressures of everyday living in a

3:Evans-Pritchard E-4, 5 (1942-1944) 1949 MT9 Libyan Bedouin MT9
(1837-1942) Sanusi

619 The figures for the free tribes include attached client groups,
162 for the principal of which estimates are also given separately.
[127] The figures are taken from Col. De Agostini's monograph. The provenance of the chief Bedouin tribes of Tripolitania and of the fringes of Fazzan who are Sanusi, or sympathetic to the Sanusiya, is shown, likewise in relation to the distribution of Sanusiya lodges, on the map on page 52.

VI

619 Although there were in the past intertribal wars and feuds
[671] which have lasted into the present time, and in spite of the
[574] difference in status between free and client tribes, there were laws of the tents which gave every Bedouin the freedom of the whole country, and there was much coming and going between the tribes and exchange of hospitality, especially in the grazing grounds where sections with distinct territories on the plateau shared common pasturage to the south of it, and where the necessities of Bedouin life, watering at wells in transit, the crossing of another tribe's territory on the way to markets, the pursuit of straying camels, and the need to sow where rain fell, imposed a recognition of individual rights without regard to tribal affiliations or social status. Had it not been so, the Grand
[793] Sanusi could not have built on the tribal system his inclusive
* [795] organization, for there would have been no foundations in culture, social structure, and sentiment, on which to build.

128 My inclinations as an anthropologist are to discuss at some
619 length the tribal and kinship systems and the life of the tents, but I refrain from giving more than a bare outline of the tribal system, and I neglect altogether kinship and the life of the tents, because, however interesting detail about these matters might be to the ethnologist, a knowledge of them is, I think, unnecessary for an understanding of the development of the Sanusiya Order in Cyrenaica. I discuss the structure of the Cyrenaican tribe therefore only in so far as it is relevant to this general theme.[1]

619 Use of the term 'tribe' in Cyrenaica, even if it be restricted to the big free tribes, is always to some extent arbitrary for the political structure is highly segmentary. Nevertheless, though

[1] For a more general account see Savarese, op. cit., Pt. II, *passim*.